

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	§	Chapter 11
	§	
SERTA SIMMONS BEDDING, LLC, <i>et al.</i>	§	Case No. 23-90020 (DRJ)
	§	
	§	(Jointly Administered)
SERTA SIMMONS BEDDING, LLC, INVESCO	§	
SENIOR SECURED MANAGEMENT, INC.,	§	Adversary Proc. No. 23-09001 (DRJ)
CREDIT SUISSE ASSET MANAGEMENT, LLC,	§	
BOSTON MANAGEMENT AND RESEARCH,	§	
EATON VANCE MANAGEMENT, and BARINGS	§	
LLC,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
- against -	§	
AG CENTRE STREET PARTNERSHIP L.P., AG	§	
CREDIT SOLUTIONS NON-ECI MASTER FUND,	§	
L.P., AG SF MASTER (L), L.P., AG SUPER FUND	§	
MASTER, L.P., SILVER OAK CAPITAL, L.L.C.,	§	
ASCRIBE III INVESTMENTS, LLC, COLUMBIA	§	
CENT CLO 21 LIMITED, COLUMBIA CENT CLO	§	
27 LIMITED, COLUMBIA FLOATING RATE	§	
INCOME FUND, A SERIES OF COLUMBIA	§	
FUNDS SERIES TRUST II, COLUMBIA	§	
STRATEGIC INCOME FUND, A SERIES OF	§	
COLUMBIA FUNDS SERIES TRUST I,	§	
CONTRARIAN CAPITAL FUND I, L.P.,	§	
CONTRARIAN CENTRE STREET	§	
PARTNERSHIP, L.P., CONTRARIAN	§	
DISTRESSED DEBT FUND, L.P., GAMUT	§	
CAPITAL SSB, LLC, LCM XXII LTD., LCM XXIII	§	
LTD., LCM XXIV LTD., LCM XXV LTD., LCM 26	§	
LTD., LCM 27 LTD., LCM 28 LTD., NORTH STAR	§	
DEBT HOLDINGS, L.P., SHACKLETON 2013- III	§	
CLO, LTD., SHACKLETON 2013-IV-R CLO, LTD.,	§	
SHACKLETON 2014-V-R CLO, LTD.,	§	
SHACKLETON 2015-VII-R CLO, LTD.,	§	
SHACKLETON 2017-XI CLO, LTD., Z CAPITAL	§	
CREDIT PARTNERS CLO 2018-1 LTD., AND Z	§	
CAPITAL CREDIT PARTNERS CLO 2019-1 LTD.,	§	
	§	
<i>Defendants.</i>		

**LCM APPELLANTS' STATEMENT OF THE ISSUES AND
DESIGNATION OF THE RECORD ON APPEAL**

Pursuant to Rule 8009(a) of the Federal Rules of Bankruptcy Procedure, LCM XXII Ltd., LCM XXIII Ltd., LCM XXIV Ltd., LCM XXV Ltd., LCM 26 Ltd., LCM 27 Ltd., and LCM 28 Ltd. (together, the “LCM Appellants”), by and through their undersigned counsel, respectfully submit the following statement of issues to be presented on appeal and designation of items for inclusion in the record on appeal in connection with the LCM Appellants’ appeal from the Order on Summary Judgment entered in the above-captioned adversary proceeding on April 6, 2023, which memorialized a March 28, 2023 ruling from the bench. [Adversary No. 141].¹

Statement of the Issues on Appeal

1. Did the Bankruptcy Court err in holding that the term “open market purchase” as used in the parties’ credit agreement was unambiguous?
2. Assuming *arguendo* that the Bankruptcy Court correctly held that the phrase “open market purchase” is unambiguous, did the Bankruptcy Court err in holding that the Exchange Transaction that is the subject of the instant adversary proceeding constituted an open market purchase as defined by the parties’ credit agreement?

Designation of the Record on Appeal

The LCM Appellants designate each of the docket sheets and the following documents from the proceedings indicated in each of the tables below for inclusion in the record on appeal.

¹ The Bankruptcy Court entered the same order twice, first at ECF No. 141, and then again minutes later at ECF No. 142. Because the two entries are duplicative, the LCM Appellants list only the first-in-time entry above. For the avoidance of doubt, the LCM Appellants intend to appeal from the Bankruptcy Court’s Order on Summary Judgment, regardless of which docket entry is deemed controlling.

The following designations of pleadings and matters of record include all exhibits attached or referred to in the designated items.

In re Serta Simmons Bedding, LLC, et al., Case No. 23-90020		
Docket Date	Docket No.	Description
1/23/2023	1	Chapter 11 Voluntary Petition Non-Individual
1/23/2023	2	Emergency Motion of Debtors Pursuant to Bankruptcy Rule 1015(b) and Bankruptcy Rule 1015-1 for Order Directing Joint Administration of Chapter 11 Cases
1/24/2023	4	Designation of Complex Chapter 11 Bankruptcy Case
1/24/2023	11	Emergency Motion of Debtors for Interim and Final Orders (I) Authorizing Debtors to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting (A) Liens and Providing Claims With Superpriority Administrative Expense Status and (B) Adequate Protection to Certain Prepetition Lenders, (III) Modifying Automatic Stay, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief
1/24/2023	24	Emergency Motion for Entry of Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection With Such Hearings, and (III) Granting Related Relief
1/24/2023	25	Request for Emergency Consideration of Certain “First Day” Matters
1/24/2023	26	Declaration of John Linker in Support of Debtors’ Chapter 11 Petitions and First Day Relief
1/24/2023	27	Declaration of Brent T. Banks in Support of Emergency Motion of Debtors for Interim and Final Orders (I) Authorizing Debtors to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting (A) Liens and Providing Claims With Superpriority Administrative Expense Status and (B) Adequate Protection to Certain Prepetition Lenders, (III) Modifying Automatic Stay, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief
1/24/2023	28	Joint Chapter 11 Plan of Serta Simmons Bedding, LLC and Its Affiliated Debtor
1/24/2023	29	Disclosure Statement for Joint Chapter 11 Plan of Serta Simmons Bedding, LLC and Its Affiliated Debtors
1/24/2023	31	Debtors’ Witness and Exhibit List for Emergency First Day Hearing on January 24, 2023
1/24/2023	32	Agenda of Matters Set for Emergency Hearing on January 24, 2023 at 1:00P.M. (Central Prevailing Time)

1/24/2023	46	Order for Joint Administration
1/24/2023	47	Order Granting Complex Case Treatment
1/24/2023	61	Notice of Filing First Day Hearing Demonstrative
1/24/2023	69	Verified Statement of the Ad Hoc Priority Lender Group Pursuant to the Bankruptcy Rule 2019
1/24/2023	71	Amended Agenda of Matters Set for Emergency Hearing on January 24, 2023 at 1:00P.M. (Central Prevailing Time)
1/24/2023	74	The Ad Hoc Group of First Lien Lenders' Statement and Reservation of Rights with Respect to the Debtors' Requested First Day Relief
1/24/2023	83	Interim Order (I) Authorizing Debtors to (A) Obtain Postpetition Financing and (B) Use of Cash Collateral, (II) Granting (A) Liens and Providing Superpriority Administrative Expense Status and (B) Adequate Protection to Certain Prepetition Lenders, and (III) Modifying Automatic Stay, (IV) Scheduling a Final Hearing and (V) Granting Related Relief
1/24/2023	104	Order (I) Establishing Deadlines and Procedures for Filing of Claim, (II) Approving Form and Manner of Notice thereof, and (III) Granting Related
1/24/2023	109	Amended Interim Order (I) Authorizing Debtors to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting (A) Liens and Providing Superpriority Administrative Expense Status and (B) Adequate Protection to Certain Prepetition Lenders, (III) Modifying Automatic Stay, (IV) Scheduling a Final Hearing and (V) Granting Related Relief
1/24/2023	110	Courtroom Minutes from hearing held January 24, 2023
1/24/2023	114	Notice of Scheduling Conference Scheduled for January 27, 2023 at 3:30 P.M. (Central Time)
1/26/2023	137	Supplement in Support of Debtors' Emergency Motion for Entry of Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
1/26/2023	138	PTL Lenders' Response to Ad Hoc Group of Non-PTL Term Lenders' Statement and Reservation of Rights
1/27/2023	184	Notice of Filing of Revised Proposed Order (I) Scheduling Certain Hearing Dates and Deadline, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
1/27/2023	190	Statement of the LCM Lenders Joining the Ad Hoc Group of First Lien Lenders' Statement and Reservation of Rights
1/27/2023	193	Transcript regarding First-Day Motions Hearing held on January 24, 2023 before Judge David R. Jones

1/28/2023	210	Notice of Continued Scheduling Conference on February 1, 2023 at 12:00 p.m. (Central Time)
1/28/2023	211	Notice of Rescheduling of Hearing Date to February 28, 2023 at 2:00 p.m. (Central Time)
1/30/2023	213	Notice of Filing of Official Transcript
2/1/2023	225	Notice of Filing of Further Revised Proposed Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols In Connection With Such Hearings, and (III) Granting Related Relief
2/1/2023	228	Notice of Filing of Further Revised Proposed Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
2/2/2023	267	Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
2/8/2023	268	Notice of Hearing to Consider Approval of Disclosure Statement for Joint Chapter 11 Plan of Serta Simmons Bedding, LLC and Its Affiliated Debtors
2/17/2023	347	The Ad Hoc Group of First Lien Lenders' Limited Objection to Debtors' Motion for a Final Order Authorizing the Debtors to Obtain Post-Petition Financing
2/17/2023	348	Objection of LCM Lenders to Debtors' Motion for a Final Order Authorizing the Debtors to Obtain Post-Petition Financing
2/17/2023	349	Motion of Debtors for Entry of Order (I) Approving Disclosure Statement and Form and Manner of Notice of Disclosure Statement Hearing; (II) Establishing Solicitation and Voting Procedures; (III) Establishing Notice and Objection Procedures for Confirmation of Proposed Plan; (IV) Approving Notice Procedures for the Assumption or Rejection of Executory Contracts and Unexpired Leases; and (V) Granting Related Relief
2/20/2023	354	Notice of Cancellation of Hearing Scheduled for February 21, 2023 at 12:00 P.M. (Central Time)
2/21/2023	356	Notice of Rescheduling of Hearing Date to March 1, 2023 at 1:00 P.M. (Central Time)
2/22/2023	358	Limited Objection of the Official Committee of Unsecured Creditors to Debtors' Motion for Entry of a Final Order Authorizing the Debtors to Obtain Postpetition Financing, Use of Cash Collateral and Granting Related Relief
2/27/2023	370	LCM Lenders' Witness and Exhibit List for the Hearing on Debtor's Motion for a Final Order Authorizing the Debtors to Obtain Post-Petition Financing

2/27/2023	371	Debtors' Witness and Exhibit List for Hearing on March 1, 2023
2/27/2023	372	Witness and Exhibit List of the Official Committee of Unsecured Creditors for Hearing on March 1, 2023 at 1:00 PM (CT)
2/27/2023	373	The PTL Lender Group's Witness and Exhibit List for March 1, 2023 Hearing
2/27/2023	374	Ad Hoc Group of First Lien Lenders' Witness and Exhibit List for Hearing on March 1, 2023
2/27/2023	375	Debtors' Omnibus Reply to Objections to DIP Motion
2/27/2023	376	Ad Hoc Priority Lender Group's Reply in Support of Debtors' Motion for a Final Order Authorizing the Debtors to Obtain PostPetition Financing
02/28/2023	381	Agenda of Matters Set for Hearing on March 1, 2023 at 1:00 P.M. (Central Time)
3/1/2023	390	Amended Agenda for Matters Set for Hearing on March 1, 2023 at 1:00 P.M. (Central Time)
3/1/2023	393	Courtroom Minutes from hearing held March 1,2023
3/1/2023	394	Final Order (I) Authorizing Debtors to (A) Obtain Postpetition Financing and (B) Use of Cash Collateral, (II) Granting (A) Liens and Providing Superpriority Administrative Expense Status and (B) Adequate Protection to Certain Prepetition Lenders, (III) Modifying Automatic Stay, and (IV) Granting Related Relief
3/3/2023	406	Amended Final Order (I) Authorizing Debtors to (A) Obtain Postpetition Financing and (B) Use of Cash Collateral, (II) Granting (A) Liens and Providing Superpriority Administrative Expense Status and (B) Adequate Protection to Certain Prepetition Lenders, (III) Modifying Automatic Stay, and (IV) Granting Related Relief
3/5/2023	415	Transcript Regarding Status Conference held on March 1, 2023 before Judge David R. Jones
3/6/2023	417	Notice of Filing of Official Transcript
3/7/2023	427	Disclosure Statement for Joint Chapter 11 Plan of Serta Simmons Bedding, LLC and Its Affiliated Debtors
3/17/2023	499	The Ad Hoc Group of First Lien Lenders' Statement and Reservation of Rights With Respect to the Motion of Debtors For Entry of Order (I) Approving Disclosure Statement and Form and Manner of Notice of Disclosure Statement Hearing; (II) Establishing Solicitation and Voting Procedures; (III) Establishing Notice and Objection Procedures for Confirmation of Proposed Plan; (IV) Approving Notice Procedures for the Assumption or Rejection of Executory Contracts and Unexpired Leases; and (V) Granting Related Relief

3/17/2023	501	Joinder of LCM Lenders to The Ad Hoc Group of First Lien Lenders' Statement and Reservation of Rights With Respect to the Motion of Debtors for Entry of Order (I) Approving Disclosure Statement and Form and Manner of Notice of Disclosure Statement Hearing; (II) Establishing Solicitation and Voting Procedures; (III) Establishing Notice and Objection Procedures for Confirmation of Proposed Plan; (IV) Approving Notice Procedures for the Assumption or Rejection of Executory Contracts and Unexpired Leases; and (V) Granting Related Relief
3/23/2023	540	Order (I) Approving Disclosure Statement and Form and Manner of Notice of Disclosure Statement Hearing; (II) Establishing Solicitation and Voting Procedures; (III) Establishing Notice and Objection Procedures for Confirmation of Proposed Plan; (IV) Approving Notice Procedures for the Assumption or Rejection of Executory Contracts and Unexpired Leases; and (V) Granting Related Relief
3/23/2023	544	Joint Chapter 11 Plan of Serta Simmons Bedding, LLC and Its Affiliated Debtors
3/23/2023	545	Disclosure Statement for Joint Chapter 11 Plan of Serta Simmons Bedding, LLC and its Affiliated Debtors
3/25/2023	559	Transcript regarding Disclosure Statement Hearing held on March 23, 2023 before Judge David R. Jones

SERTA SIMMONS BEDDING, LLC, INVESCO SENIOR SECURED MANAGEMENT, INC., CREDIT SUISSE ASSET MANAGEMENT, LLC, BOSTON MANAGEMENT AND RESEARCH, EATON VANCE MANAGEMENT, and BARINGS LLC,

v.

AG CENTRE STREET PARTNERSHIP L.P., AG CREDIT SOLUTIONS NON-ECI MASTER FUND, L.P., AG SF MASTER (L), L.P., AG SUPER FUND MASTER, L.P., SILVER OAK CAPITAL, L.L.C., ASCRIBE III INVESTMENTS, LLC, COLUMBIA CENT CLO 21 LIMITED, COLUMBIA CENT CLO 27 LIMITED, COLUMBIA FLOATING RATE INCOME FUND, A SERIES OF COLUMBIA FUNDS SERIES TRUST II, COLUMBIA STRATEGIC INCOME FUND, A SERIES OF COLUMBIA FUNDS SERIES TRUST I, CONTRARIAN CAPITAL FUND I, L.P., CONTRARIAN CENTRE STREET PARTNERSHIP, L.P., CONTRARIAN DISTRESSED DEBT FUND, L.P., GAMUT CAPITAL SSB, LLC, LCM XXII LTD., LCM XXIII LTD., LCM XXIV LTD., LCM XXV LTD., LCM 26 LTD., LCM 27 LTD., LCM 28 LTD., NORTH STAR DEBT HOLDINGS, L.P., SHACKLETON 2013- III CLO, LTD., SHACKLETON 2013-IV-R CLO, LTD., SHACKLETON 2014-V-R CLO, LTD., SHACKLETON 2015-VII-R CLO, LTD., SHACKLETON 2017-XI CLO, LTD., Z CAPITAL CREDIT PARTNERS CLO 2018-1 LTD., AND Z CAPITAL CREDIT PARTNERS CLO 2019-1 LTD.,

Adversary Case No. 23-09001

Docket Date	Docket No.	Description
1/24/2023	1	Adversary Complaint
1/24/2023	15	Notice of Scheduling Conference Scheduled for January 27, 2023 at 3:30 P.M. (Central Time)
1/26/2023	18	Status Report
1/28/2023	19	Courtroom Minutes from hearing held January 24, 2023
1/28/2023	20	Notice of Continued Scheduling Conference on February 1, 2023 at 12:00 p.m. (Central Time)
1/31/2023	21	Transcript regarding Motion to Extend the Stay held on January 27, 2023 before Judge David R. Jones
2/1/2023	25	Notice of Filing of Official Transcript
2/1/2023	26	Notice of Filing of Further Revised Proposed Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
2/1/2023	27	[Ad Hoc Group of First Lien Lenders' Proposed] Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
2/1/2023	28	Notice of Filing Redline of the [Ad Hoc Group of First Lien Lenders' Proposed] Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
2/1/2023	29	Notice of Filing Redline of the [Ad Hoc Group of First Lien Lenders' Proposed] Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
2/2/2023	32	Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
2/14/2023	38	Amended Adversary Complaint
2/24/2023	67	Stipulated Protective Order
2/24/2023	68	Answering Defendants' Answer to the Amended Adversary Complaint, Counterclaims and Third-Party Claims
2/24/2023	69	Serta Simmons Bedding, LLC's Motion for Summary Judgment
2/24/2023	70	Serta Simmons Bedding, LLC's Statement of Uncontroverted Facts in Support of Their Motion for Summary Judgment
2/24/2023	71	Motion for Entry of an Order Authorizing Serta Simmons Bedding, LLC to File Confidential Documents Under Seal

2/24/2023	72	Sealed Documents/Exhibits Nos. 1, 2, 3, 4, 5, 6, 8, 10, 25, 26, 27 filed Under Sealed in Connection with Serta Simmons Bedding, LLC's Statement of Uncontroverted Facts in Support of Their Motion for Summary Judgment
2/24/2023	73	Lenders Plaintiffs' Motion for Summary Judgment
3/3/2023	74	Stipulated Protective Order
3/6/2023	76	Stipulation between and Among the Debtors, the PTL Lenders, the DJ Adversary Proceeding Defendants, the Stay Adversary Defendants, and the Committee Governing Participation of the Committee in the Adversary Proceedings
3/15/2023	77	Lender Plaintiffs' Amended Motion for Summary Judgment
3/16/2023	78	Emergency Motion for Entry of an Order Authorizing the LCM Defendants to File Confidential Documents Under Seal
3/16/2023	79	SEALED LCM Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion for Summary Judgment
3/16/2023	80	Redacted LCM Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion for Summary Judgment
3/16/2023	81	Declaration of Neil Lieberman in Support of the LCM Defendants' Opposition to Summary Judgment with Exhibits #3, 6, 21, 22
3/16/2023	82	Declaration of Neil Lieberman in Support of the LCM Defendants' Opposition to Summary Judgment with SEALED Exhibits
3/16/2023	83	Declaration of Farboud Tavangar in Support of the LCM Defendants' Opposition to Summary Judgment
3/16/2023	84	Declaration of Professor Vincent Buccola in Support of the LCM Defendants' Opposition to Summary Judgment
3/16/2023	85	Serta Simmons Bedding, LLC's Response to Answering Defendants' Counterclaims
3/16/2023	87	SEALED Excluded Lenders' Memorandum of Law in Opposition to Plaintiffs' Motion for Partial Summary Judgment
3/16/2023	89	Expert Declaration of Sarah M. Ward
3/16/2023	90	Excluded Lenders' Counterstatement of Controverted Facts in Opposition to Plaintiffs' Motion for Partial Summary Judgment
3/17/2023	91	Exhibits to the Excluded Lenders' Memorandum of Law in Opposition to Plaintiffs' Motion for Partial Summary Judgment
3/17/2023	92	Declaration of Anne E. Beaumont
3/17/2023	98	SEALED Declaration of Michael Hanigan
3/17/2023	99	SEALED Declaration of Erik Kreutzer
3/17/2023	100	SEALED Declaration of Theodore Kwon

3/17/2023	101	SEALED Declaration of Ryan Mollett
3/17/2023	102	SEALED Declaration of Marti P. Murray
3/17/2023	103	SEALED Declaration of Daniel Ryan
3/17/2023	104	Motion for Entry of an Order Authorizing the Excluded Lenders to File Under Seal Portions of Their Memorandum of Law in Opposition to Plaintiffs' Motions for Partial Summary Judgment and Certain Exhibits Thereto
3/17/2023	105	Order Granting Motion for Entry of Order Authorizing the Excluded Lenders to File Under Seal Portions of Their Memorandum of Law in Opposition to Plaintiffs' Motions for Partial Summary Judgment and Certain Exhibits Thereto
3/17/2023	106	Order Authorizing LCM Defendants to File Confidential Documents Under Seal
3/24/2023	110	Serta Simmons Bedding, LLC's Reply Memorandum of Law in Further Support of Its Motion for Summary Judgment
3/24/2023	111	SEALED Serta Simmons Bedding, LLC's Reply Memorandum of Law in Further Support of Its Motion for Summary Judgment
3/24/2023	112	Serta Simmons Bedding, LLC's Response to the Drop Down Group Defendants' Additional Material Facts Included in the Counterstatement of Controverted Facts
3/24/2023	113	Motion for Entry of an Order Authorizing Serta Simmons Bedding, LLC to File Confidential Documents Under Seal
3/24/2023	114	Reply Memorandum in Further Support of Lenders Plaintiffs' Motion for Summary Judgment filed by Invesco Senior Secured Management, Inc., Boston Management and Research, Credit Suisse Asset Management, LLC, Easton Vance Management, and Barings, LLC
3/27/2023	116	Emergency Motion Challenging Assertion of Privilege
3/27/2023	118	Amended Agenda of Matters Set for Hearing on March 28, 2023 at 9:00 A.M. (Central Time)
3/28/2023		Courtroom Minutes for hearing held on March 28, 2023 before Judge David R. Jones
3/28/2023		Transcript Order Form (regarding hearing held 3/28/2023)
3/28/2023	123	PDF with audio file of hearing on 3/28/2023
3/31/2023	133	Transcript for Summary Judgment Hearing held on 3/28/2023
4/6/2023	141	Order on Summary Judgment
4/6/2023	142	Order on Summary Judgment
4/7/2023	144	Joint Notice of Appeal (by LCM defendants)

4/7/2023	145	Joint Notice of Appeal (by Excluded Lender defendants)
4/7/2023	146	LCM Defendants' Answer to the Amended Adversary Complaint and Counterclaims

SERTA SIMMONS BEDDING, LLC, INVESCO SENIOR SECURED MANAGEMENT, INC., CREDIT SUISSE ASSET MANAGEMENT, LLC, BOSTON MANAGEMENT AND RESEARCH, EATON VANCE MANAGEMENT, and BARINGS LLC,

v.

AG CENTRE STREET PARTNERSHIP L.P., AG CREDIT SOLUTIONS NON-ECI MASTER FUND, L.P., AG SF MASTER (L), L.P., AG SUPER FUND MASTER, L.P., SILVER OAK CAPITAL, L.L.C., ASCRIBE III INVESTMENTS, LLC, COLUMBIA CENT CLO 21 LIMITED, COLUMBIA CENT CLO 27 LIMITED, COLUMBIA FLOATING RATE INCOME FUND, A SERIES OF COLUMBIA FUNDS SERIES TRUST II, COLUMBIA STRATEGIC INCOME FUND, A SERIES OF COLUMBIA FUNDS SERIES TRUST I, CONTRARIAN CAPITAL FUND I, L.P., CONTRARIAN CENTRE STREET PARTNERSHIP, L.P., CONTRARIAN DISTRESSED DEBT FUND, L.P., GAMUT CAPITAL SSB, LLC, NORTH STAR DEBT HOLDINGS, L.P., SHACKLETON 2013- III CLO, LTD., SHACKLETON 2013-IV-R CLO, LTD., SHACKLETON 2014-V-R CLO, LTD., SHACKLETON 2015-VII-R CLO, LTD., SHACKLETON 2017-XI CLO, LTD., Z CAPITAL CREDIT PARTNERS CLO 2018-1 LTD., AND Z CAPITAL CREDIT PARTNERS CLO 2019-1 LTD., LCM XIII L.P., LCM XIV L.P., LCM XV L.P., LCM XVI L.P., LCM XVII L.P., LCM XVIII L.P., LCM XIX L.P., LCM XX L.P., LCM XXI L.P., LCM XXII LTD., LCM XXIII LTD., LCM XXIV LTD., LCM XXV LTD., LCM 26 LTD., LCM 27 LTD. and LCM 28 LTD.,

Adversary Case No. 23-03007

Docket Date	Docket No.	Description
1/24/2023	1	Adversary Complaint
1/24/2023	2	Declaration of Harvey Tepner in Support of Debtors' Emergency Motion for an Order (I) Declaring the Automatic Stay Applies to Certain Non-Debtor Parties or Alternatively Extending the Automatic Stay to Certain Non-Debtor Parties and (II) Preliminary Enjoining Such Prepetition Action
1/24/2023	3	Debtors' Emergency Motion for an Order (I) Declaring that the Automatic Stay Applies to Certain Non-Debtor Parties or Alternatively Extending the Automatic Stay in Certain Non-Debtor Parties and (II) Preliminary Enjoining the Prepetition Action

1/27/2023	32	Courtroom Minutes for hearing held January 27, 2023 before Judge David R. Jones
1/28/2023	35	Notice of Continued Scheduling Conference on February 1, 2023 at 12:00 p.m.
1/31/2023	49	Transcript regarding Motion to Extend the Stay held on January 27, 2023 before Judge David R. Jones
1/31/2023	50	LCM Lenders' Unopposed Emergency Motion to Intervene
2/1/2023	53	Order Granting LCM Lenders' Unopposed Emergency Motion to Intervene
2/2/2023	66	Order Temporarily Staying or Enjoining Certain Prepetition Actions
2/2/2023	67	Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
2/2/2023	68	Transcript regarding Motion Hearing held on February 1, 2023 before Judge David R. Jones
2/3/2023	69	Notice of Filing of Official Transcript
2/13/2023	77	Fed. R. Bankr. P. 7001 Corporate Disclosure Statement of the LCM Lender Defendants
2/15/2023	84	PTL Lenders' Unopposed Emergency Motion to Intervene
2/24/2023	97	The Ad Hoc Group of First Lien Lenders' Objection to Debtors' Emergency Motion for an Order (A) Declaring that the Automatic Stay Applies to Certain Non-Debtor Parties or Alternatively Extending the Automatic Stay to Certain Non-Debtor Parties and (B) Preliminarily Enjoining the Prepetition Action
2/24/2023	98	LCM Lenders' (1) Objection to Debtors' Emergency Motion for an Order (A) Declaring that the Automatic Stay Applies to Certain Non-Debtor Parties or Alternatively Extending the Automatic Stay to Certain Non-Debtor Parties and (B) Preliminarily Enjoining the Prepetition Action, and (2) Joinder in Ad Hoc Group's Objection
2/24/2023	99	Declaration of Neil Lieberman Support of LCM Lenders' Objection to Debtors' Request for Injunctive Relief
2/27/2023	100	Order Granting PTL Lenders' Unopposed Emergency Motion to Intervene

3/6/2023	103	Stipulation Between and Among the Debtors, the PTL Lenders, the DJ Adversary Proceeding Defendants, the Stay Adversary Defendants, and the Committee Governing Participation of the Committee in the Adversary Proceedings
3/6/2023	104	Debtors' Omnibus Reply to Objections to Debtors' Emergency Motion for an Order (I) Declaring that the Automatic Stay Applies to Certain Non-Debtor Parties or Alternatively Extending the Automatic Stay to Certain Non-Debtor Parties and (II) Preliminarily Enjoining the Prepetition Action
3/6/2023	105	PTL Lender Intervenor's Reply in Further Support of Debtors' Emergency Motion for an Order (I) Declaring that the Automatic Stay Applies to Certain Non-Debtor Parties or Alternatively Extending the Automatic Stay to Certain Non-Debtor Parties and (II) Preliminarily Enjoining the Prepetition Action
3/9/2023	107	LCM Lenders' Witness and Exhibit List for Hearing on March 13, 2023
3/9/2023	108	Debtors' Witness and Exhibit List for Hearing on March 13, 2023
3/9/2023	109	PTL Lender Group's Witness and Exhibit List for Hearing on March 13, 2023 at 2:00 P.M. (Central Time)
3/9/2023	110	The Ad Hoc Group of First Lien Lenders' Witness and Exhibit List for Hearing on March 13, 2023
3/10/2023	111	Agenda of Matters Set for Hearing on March 13, 2023 at 2:00 P.M. (Central Time)
3/13/2023	115	Courtroom Minutes for hearing held March 13, 2023 before Judge David R. Jones
3/15/2023	118	Transcript regarding Status Conference held on March 13, 2023 before Judge David R. Jones
3/16/2023	119	Notice of Filing of Official Transcript
3/20/2023	124	Order (I) Extending the Automatic Stay in Certain Non-Debtor Parties and (II) Enjoining the Prepetition Actions

Dated: April 7, 2023
Houston, Texas

Respectfully submitted,

McKOOL SMITH, PC

/s/ John J. Sparacino

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was served by electronic delivery on all persons and entities receiving ECF notice in this adversary proceeding on April 7, 2023.

/s/ John J. Sparacino
John J. Sparacino